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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,398	08/01/2001	Harry Murphy	5395.004	4396

30589 7590 09/12/2002

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EXAMINER
MITCHELL, KATHERINE W

ART UNIT	PAPER NUMBER
3673	

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/504,978	OHRT	
	Examiner	Art Unit	
	Natalie A. Pass	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 February 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 15 February 2000. Claims 1-23 are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 1C, Items 152 and 162, Figure 3, Item 310.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "product server 100" in Figure 3 as described in the specification on page 12, line 6. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

The applicant is encouraged to review the specifications to find other inconsistencies between the specifications and the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are:

Claim 1 recites a "product rate calculation system" in its preamble, but only recites three elements in its body, namely a "product application", a " first support software component" and a "first protocol stack". It is unclear as to which element performs the "rate calculation" function recited in the preamble. Simple stated, does the claimed product application or the claimed first support software component or the claimed first protocol stack perform the act of "product rate calculation", or is there another element responsible for this function? As such, the claim, as presently recited, appears to be incomplete.

(B) Claims 2-15 incorporate the deficiencies of claim 1, through dependency, and are also rejected.

(C) Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are:

Claim 16 recites a "method calculating a product rate" in its preamble, but recites six steps in its body, namely "receiving a request", "converting the request... into a call", "sending the call", "receiving the call", "processing the call ... into a protocol for

transmission", and "transmitting the call". It is unclear as to which step performs the "calculating product rate" function recited in the preamble. Simple stated, does the claimed receiving a request step or the claimed converting step or the claimed sending step or the claimed receiving step or the claimed processing step or the claimed transmitting step perform the act of "calculating a product rate", or is there another element responsible for this function? As such, the claim, as presently recited, appears to be incomplete.

(D) Claims 17-23 incorporate the deficiencies of claim 16, through dependency, and are also rejected.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-3, 5, 6, 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyler, Jr. et al., U.S. Patent Number 5, 523, 942 in view of McClelland et al, U.S. Patent Number 5, 689, 650.

(A) As per claim 1, Tyler teaches a product rate calculation system (Tyler; column 4, line 65 to column 5, line 10) comprising:

(a product application operable to provide product information to and receive consumer information from a user) (Tyler; column 5, lines 32-41), and further operable to

send a call to a product rate calculation software component (Tyler; Figure 1B, column 5, lines 11-18, column 11, lines 33-36);

a first support software component operable to receive the call from the product application (Tyler; column 5, lines 18-32).

Tyler fails to explicitly disclose a first protocol stack operable to process the call into a protocol for transmission over a communication link.

McClelland teaches a first protocol stack operable to process the call into a protocol for transmission over a communication link (McClelland; column 20, line 65 to column 21, line 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the product rate calculation system of Tyler to include a first protocol stack operable to process the call into a protocol for transmission over a communication link, as taught by McClelland, with the motivation of providing a user interface for the network serving as a link between a requesting user and the fulfillment source (McClelland; column 4, lines 46-49).

(B) As per claims 2-3, 5, Tyler and McClelland teach a system discussed above wherein being operable to send a call to a product rate calculation software component further comprises being operable to send at least one pointer to a product rate calculation software component interface (Tyler; Figure 11, column 11, lines 33-36, column 20, lines 48-54, 65-67, column 21, lines 1-5, column 22, lines 37-40, column 23, lines 25-36) and wherein the at least one pointer indicates rating information stored in a database (Tyler; Figures 3A-3D, Figure 12, Item 750, column 15, lines 13-26, column

30, lines 27-32, column 29, lines 62-64, column 22, lines 37-40, column 23, lines 25-36), and wherein the product application further comprises at least one product application software component (Tyler; column 7, lines 39-54).

(C) As per claim 6, Tyler and McClelland teach a system discussed above wherein the protocol stack is a network protocol stack (Tyler; Figure 1A, Item 5, column 7, lines 8-14, column 10, lines 48-53).

(D) As per claims 12-13, Tyler and McClelland teach a system discussed above wherein the product application is an insurance product application and the product information includes an insurance product rate and wherein the insurance product rate is for one of home insurance, life insurance, health insurance, automobile insurance, and renter's insurance. (Tyler; column 1, lines 15-24).

(E) As per claim 14, Tyler and McClelland teach a system discussed above wherein at least one of the product application, the first support software component, and the first protocol stack is encoded in a computer readable medium as instructions executable on a processor, the computer readable medium being one of an electronic storage medium, a magnetic storage medium, an optical storage medium, and a communications medium conveying signals encoding the instructions (Tyler; column 4, line 65 to column 5, line 32).

(F) As per claim 15, Tyler and McClelland teach a system discussed above further comprising a computer system including a processor, a memory coupled to the processor (Tyler; column 6, lines 66-67), and a network interface (Tyler; column 7, lines 4-14), and wherein the product application, the first support software component, and the first protocol stack are encoded as instructions executable on the processor (Tyler; column 4, line 65 to column 5, line 32).

(G) Claim16 differs from claim 1 in that it is a method of calculating a product rate rather than a product rate calculation system.

As per claim 16, Tyler teaches a method of calculating a product rate (Tyler; column 4, line 65 to column 5, line 10) comprising:

receiving a request for a product rate from a user (Tyler; column 5, lines 32-41);

converting the request for a product rate into a call to a product rate calculation software component (Tyler; Figure 1B, column 5, lines 11-18, column 11, lines 33-36);

sending the call to a product rate calculation software component to a first support software component (Tyler; Figure 1B, column 5, lines 11-18, column 11, lines 33-36);

receiving, at the first support software component, the call to a product rate calculation software component (Tyler; column 5, lines 18-32);

and

transmitting the call to a product rate calculation software component over the communication link (Tyler; Figure 1A, Item 5, column 7, lines 8-14, column 10, lines 48-53).

Tyler fails to expressly disclose processing the call to a product rate calculation software component into a protocol for transmission over a communication link.

McClelland teaches processing the call to a product rate calculation software component into a protocol for transmission over a communication link. (McClelland; column 20, line 65 to column 21, line 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the product rate calculation system of Tyler to include processing the call to a product rate calculation software component into a protocol for transmission over a communication link, as taught by McClelland, with the motivation of providing a user interface for the network serving as a link between a requesting user and the fulfillment source (McClelland; column 4, lines 46-49).

(H) As per claims 17-19, Tyler and McClelland teach a method discussed above, further comprising:

receiving the transmitted call to a product rate calculation software component (Tyler; column 5, lines 18-32);

processing the transmitted call to a product rate calculation software component (Tyler; Figure 1A, Item 5, column 7, lines 8-14, column 10, lines 48-53);

sending the processed call to a second support software component (Tyler; Figure 1A, Item 5, column 7, lines 8-14, column 10, lines 48-53)

receiving, at a second support software component, the call to a product rate calculation software component (Tyler; column 5, lines 18-32);

sending the call to a product rate calculation software component to a product rate calculation software component interface (Tyler; column 5, lines 5-10); and

performing a product rate calculation depending upon rating information (Tyler; column 20, lines 55-64), and retrieving rating information from a database (Tyler; Figures 3A-3D, column 15, lines 13-26, column 30, lines 27-32, column 29, lines 62-64, column 22, lines 37-40, column 23, lines 25-36), and further comprising storing a calculated product rate in a database (Tyler; Figure 12, Item 750, Figure 18).

(I) As per claim 20, Tyler and McClelland teach a method discussed above wherein the receiving a request further comprises receiving consumer information from a computer system (Tyler; Figures 2, 3A-3D, Figure 12, Item 750, column 15, lines 13-26, column 30, lines 27-32, column 29, lines 62-64, column 22, lines 37-40, column 23, lines 25-36).

(J) As per claim 21, Tyler and McClelland teach a method discussed above encoded in a computer readable medium as instructions executable on a processor, the computer readable medium being one of an electronic storage medium, a magnetic storage medium, an optical storage medium, and a communications medium conveying signals encoding the instructions (Tyler; column 4, line 65 to column 5, line 32).

(K) As per claim 22, Tyler and McClelland teach a method discussed above wherein sending the call to a product rate calculation software component to a first support software component further comprises sending at least one pointer the to a product rate calculation software component interface (Tyler; Figure 11, column 11, lines

33-36, column 20, lines 48-54, 65-67, column 21, lines 1-5, column 22, lines 37-40, column 23, lines 25-36).

(L) As per claim 23, Tyler and McClelland teach a method discussed above wherein the product rate is an insurance product rate (Tyler; column 1, lines 15-24).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyler et al, U.S. Patent Number 5, 523, 942 in view of McClelland et al, U.S. Patent Number 5, 689, 650 as applied to claim 1 above, and further in view of Adunuthula et al, U.S. Patent Number 6, 026, 404.

(A) As per claim 4, Tyler and McClelland fail to expressly disclose a system discussed above wherein the product application and the first support software component execute in a single process.

Adunuthula teaches a system wherein the product application and the first support software component execute in a single process (Adunuthula; column 14, lines 64-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the product rate calculation system of Tyler and McClelland to include a product application and the first support software component execute in a single process, as taught by Adunuthula, with the motivation of isolating the software from the complexities of inter-machine communication and allowing its use in a highly distributed system without being distribution aware (Adunuthula; column 15, lines 12-21).

9. Claims 7, 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyler et al, U.S. Patent Number 5, 523, 942 in view of McClelland et al, U.S. Patent Number 5, 689, 650 as applied to claim 1 above, and further in view of Batz et al, U.S. Patent Number 5, 918, 022.

(A) As per claims 7, 9, Tyler and McClelland teach a system as analyzed and disclosed above, further including

a product rate calculation software component (Tyler; column 4, line 65 to column 5, line 10) having a product rate calculation software component interface (Tyler; column 5, lines 5-10),

the product rate calculation software component for calculating a product rate depending upon rating information (Tyler; Figures 3A-3D, Figure 12, Item 750, column 15, lines 13-26, column 30, lines 27-32, column 29, lines 62-64, column 22, lines 37-40, column 23, lines 25-36); and

a second support software component (Tyler; column 4, lines 10-24).

Tyler and McClelland fail to expressly disclose a system further comprising:

a second protocol stack; and

a communication link coupled between the first protocol stack and the second protocol stack, the second protocol stack operable to receive and process a transmission from the first protocol stack into a call to a software component

and wherein the communication link is a network.

Batz teaches a system including:

a second protocol stack; (Batz; Figure 1, Items 125 and 175, column 1, lines 43-54, column 2, lines 31-40) and

a communication link coupled between the first protocol stack and the second protocol stack, (Batz; Figure 1, Item 180) the second protocol stack operable to receive and process a transmission from the first protocol stack into a call to a software component (Batz; Figure 9, Item 900, column 3, line 60 to column 4, line 2, column 10, lines 36-44)

and wherein the communication link is a network (Batz; Figure 2, column 2, lines 31-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the product rate calculation system of Tyler and McClelland to include a second protocol stack; and a network communication link coupled between the first protocol stack and the second protocol stack operable to receive and process a transmission from the first protocol stack into a call to a software component, as taught by Batz, with the motivation of using modern communications network architectures to transport data over a TCP/IP network (Batz; column 1, lines 44-47).

(B) As per claim 11, Tyler and McClelland teach a system as analyzed and disclosed above,

wherein the rating information includes at least one of consumer information and product information (Tyler; Figures 2, 3A-3D, Figure 12, Item 750, column 15, lines 13-

26, column 30, lines 27-32, column 29, lines 62-64, column 22, lines 37-40, column 23, lines 25-36).

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyler et al, U.S. Patent Number 5, 523, 942 and McClelland et al, U.S. Patent Number 5, 689, 650 in view of Batz et al, U.S. Patent Number 5, 918, 022, as applied to claim 7 above, and further in view of Narayanan , et al, U.S. Patent Number 5, 689, 664.

(A) As per claim 8, Tyler, McClelland , and Batz teach a system as analyzed and disclosed above.

Tyler, McClelland , and Batz fail to expressly disclose a system wherein the first support software component is a proxy component and the second support software component is a stub component.

Narayanan teaches a system wherein the first support software component is a proxy component and the second support software component is a stub component (Narayanan; Figures 2, 4, column 4, lines 21-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the product rate calculation system of Tyler, McClelland, and Batz to include the first support software component as a proxy component and the second support software component as a stub component, as taught by Narayanan, with the motivation of centralizing the processing and saving system resources (Narayanan; column 3, lines 55-67).

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyler et al, U.S. Patent Number 5, 523, 942 and McClelland et al, U.S. Patent Number 5, 689, 650 in view of Batz et al, U.S. Patent Number 5, 918, 022, as applied to claim 7 above, and further in view of Adunuthula et al, U.S. Patent Number 6, 026, 404.

(A) As per claim 10, Tyler, McClelland, and Batz teach a system as analyzed and disclosed above.

Tyler, McClelland, and Batz fail to expressly disclose a system wherein the product rate calculation software component and the second support software component execute in a single process.

Adunuthula teaches a system wherein the product application and the second support software component execute in a single process (Adunuthula; column 14, lines 64-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the product rate calculation system of Tyler, McClelland, and Batz to include a product application and the second support software component execute in a single process, as taught by Adunuthula, with the motivation of isolating the software from the complexities of inter-machine communication and allowing its use in a highly distributed system without being distribution aware (Adunuthula; column 15, lines 12-21).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references Blinn et al., U.S. Patent No. 5,897,622, Isherwood, U.S. Patent No. 5,918,219, and the article teach the environment of utilizing protocols and calculation software for calculating project costs.

Blinn et al., U.S. Patent No. 5,897,622, teaches an electronic shopping system using internet communication protocols.

Isherwood, U.S. Patent No. 5,918,219, teaches estimating project costs using variable input.

Conhaim, Wallys W. Buying cars online. Sep/Oct 1998 Link-Up v15n5 PP: 5, 14. [Retrieved from Dialog on August 26, 2002], Accession No. 01698597 03-49587

13. Any response to this action should be mailed to:

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or faxed to: **(703) 305-7687**.

For informal or draft communications, please label "PROPOSED" or "DRAFT" on the front page of the communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

NP
Natalie A. Pass

September 9, 2002

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
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